S.B.Criminal Revision Petition No.572/2004

Smt.Manju vs. Mukut @ Mukut Bihari & Anr.

20.8.2007

HON'BLE MR.JUSTICE G.S.SARRAF

Mr.Sudesh Bansal along with
Mr.Rameshwar Sharma for petitioner.
Mr.B.K.Sharma, P.P.
Mr.C.P.Meena for accused-respondent.

Heard on the application dated 3.8.2007 filed by the petitioner to implead State as a party. In the facts and circumstances of the case and in the interest of justice, the application is allowed and the State of Rajasthan is permitted to be impleaded as a party respondent. Amended cause title is taken on record and it be placed at proper place.

Heard learned counsel for the complainant petitioner, learned P.P. and learned counsel for respondent No.1.

This revision petition filed by the complainant petitioner is directed against the judgment dated 24th February,2004 passed by the learned Sessions Judge, Bundi in Sessions Case No.64/2003 whereby respondent No.1 Mukut has been acquitted of the offence under Sections 447 and 376 IPC and Section 3(1)(xii) of the SC/ST (Prevention of Atrocities)Act.

The prosecutrix Manju (PW.1) in her cross-examination has admitted that one Mohan Singh was in his

field which is near the place of occurrence but the said Mohan Singh has not been produced. She has stated that she lodged the report at 8.00 A.M. on the next day i.e. 27.9.2002 whereas the report has been registered at 10.30 P.M. on 27th September,2002. She has stated that she went on a motor cycle along with the elder brother of her husband whereas her husband Satya Narain (P.W.8) has stated that he and his wife went on foot to the police station for lodging the report. The report has been lodged after more than 24 hours of the occurrence for which there is no satisfactory explanation. The occurrence is alleged to have taken place in the field but the prosecutrix has not suffered any injury.

After perusing the statements of the witnesses and considering all the facts and circumstances of the case, I agree with the conclusion of the trial court that the prosecution has not been able to prove the offence under Sections 447, 376 IPC and Section 3(1)(xii) of the SC/ST (Prevention of Atrocities) Act. The finding of the trial court is based on proper appreciation of the material and evidence available on record. Therefore, I find no ground to interfere in the impugned judgment of acquittal.

The revision petition is dismissed.

(G.S.Sarraf),J.

bairwa